

REMARKS

Claims 1-15 remain pending. Applicants have amended claims 1, 11, and 12 to pursue alternative ways of claiming the invention. Claim 9 has been amended to make it consistent with Claim 1. Support for the amendments can be found, e.g., in Figure 12 and paragraphs [0079] – [0081] of the application as filed. Accordingly, no new matter has been added.

Claims 1-15 stand rejected under 35 USC 103(a) on Itoh, U.S. Patent Application Publication No. 2001/0021037 in view of McAfee, U.S. Patent Application Publication No. 2004/0021889. Applicants respectfully traverse this rejection.

Claim 1, as currently amended, recites “a transmission control section” that controls the claimed network scanner device to transmit image data with an optional sender address “when the optional sender address is set up in place of [a] sending station address,” and to transmit the image data “with the sending station address and not the optional sender address when the optional sender address is not set up in place of the sending station address.” In other words, according to claim 1, image data is transmitted with either a sender address or a sending station address depending on whether or not the sender address has been set up in place of the sending station address. The cited references, taken individually or in combination, fail to disclose or suggest a similar feature.

The Examiner concedes that Itoh fails to disclose setting up a sender address in place of sending station address. Thus, *a fortiori*, Itoh fails to disclose transmitting image data with a sender address or a sending station address depending on whether or not the sender address has been set up in place of the sending station address.

McAfee likewise fails to disclose transmitting image data with a sender address or a sending station address depending on whether or not the sender address has been set up in place of the sending station address. The Examiner has cited McAfee’s Figure 3, abstract, and paragraphs [0006] and [0007] as teaching the claimed “setting up an optional sender address representing a sender in place of a sending station address.” The cited portions of McAfee, however, do not

mention transmitting image data with a sender address or a sending station address depending on whether the sender address has been set up in place of the sending station address. Rather, the cited portions merely disclose a scanning device that transmits scanned data with sender and recipient email addresses. The cited portions do not contain any disclosure related to a sending station address. Thus, McAfee fails to disclose or suggest the use of a sending station address or transmission of image data with either a sending station address or a sender address as recited in claim 1.

Because Itoh and McAfee both fail to disclose transmitting image data with either a sender address or a sending station address depending on whether or not the sender address has been set up in place of the sending station address, as required by claim 1, the rejection of claim 1 should be withdrawn.

Applicants further note that the Examiner's comparison of McAfee's disclosure with the claimed "setting up an optional sender address representing a sender in place of a sending station address" is improper due to McAfee's failure to even mention a sending station address. McAfee discloses transmission of a sender's email address in a message header. However, claim 1 requires that a sender's address be set up "in place of" a sending station address. Because McAfee makes no mention of a sending station address, the Examiner cannot assert, as a statement of fact, that McAfee sets up the sender's email address "in place of" a sending address. Accordingly, the rejection of claim 1 should be withdrawn.

The Examiner has stated that it would have been obvious to modify Itoh in view of McAfee in order to allow a user "to authenticate data for verification purpose and transmit data more securely." Applicants respectfully disagree.

First, the Examiner's statement is a mere hindsight conclusion regarding the alleged results of combining Itoh and McAfee. Thus, it fails to constitute the "articulated reasoning with some

rational underpinning” that is required to show obviousness. See, *In re Kahn*, 441 F. 3d 977, 988 (Fed. Cir. 2006).

Second, the statement is based on McAfee’s paragraph [0009], which discloses “a prompt for user authentication” that is entirely unrelated to the proposed combination of Itoh and McAfee. In other words, the Examiner’s proposed modification of Itoh is not to add an authentication prompt, but rather to set up a sender address in place of a sending station address. Accordingly, the statement provides no evidence that the Examiner’s actual proposed modification of Itoh would allow a user to authenticate data for more secure data transmissions.

Finally, the Examiner has presented no evidence that a person skilled in the art would have wanted to modify Itoh in the way that the Examiner has suggested, in order to “transmit data more securely,” as stated. In fact, the Examiner has presented no evidence that Itoh’s failure “set up a sender address in place of a sending station address” would compromise the integrity of transmitted data in the first place.

Because the Examiner has failed to provide adequate facts and reasoning to support the conclusion that it would have been obvious to modify Itoh in view of McAfee, the rejection of claim 1 should be withdrawn.

Independent claims 11 and 12 are similar to claim 1 and are therefore allowable over Itoh and McAfee for at least the reasons presented above. The remaining claims depend from claims 1, 11, and 12, and are therefore allowable at least based on their respective dependences.

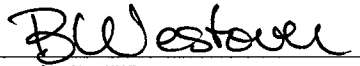
In view of the foregoing, applicants solicit an early action allowing the claims. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief, including extensions of time, and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection

with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. **204552031700**.

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Respectfully submitted,

By 

Benjamin P. Westover

Registration No. 56,612

MORRISON & FOERSTER LLP

1650 Tysons Blvd, Suite 400

McLean, Virginia 22102

(703) 760-7325